

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

DANIEL P. MASON, )  
Petitioner, ) Case No. 7:13-cv-00003  
v. )  
EARL BARKSDALE, ) FINAL ORDER  
Respondent. )  
By: Hon. Jackson L. Kiser  
Senior United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that respondent's motion to dismiss (Docket No. 10) is **GRANTED**; the petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**; and this action is **STRICKEN** from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to the parties.

ENTER: this 13<sup>th</sup> day of June, 2013.

*Jackson L. Kiser*  
Senior United States District Judge